

**To:** Gary.Gengel@lw.com[Gary.Gengel@lw.com]  
**Cc:** dschneider@bressler.com[dschneider@bressler.com]  
**From:** Fajardo, Juan  
**Sent:** Mon 6/19/2017 6:20:47 PM  
**Subject:** RE: Lower Passaic River Study Area

Gary,

You mentioned earlier that a "good number of us think it important that we have the opportunity to understand the details of EPA's allocation plan and express our concern..." Can you let me know who those parties are?

Juan

-----Original Message-----

From: Gary.Gengel@lw.com [mailto:Gary.Gengel@lw.com]  
Sent: Monday, June 19, 2017 2:15 PM  
To: Fajardo, Juan <Fajardo.Juan@epa.gov>  
Cc: dschneider@bressler.com  
Subject: RE: Lower Passaic River Study Area

Juan -

Any progress on proposing meeting dates?

Thanks,

Gary P. Gengel

LATHAM & WATKINS LLP  
885 Third Avenue  
New York, NY 10022-4834  
Direct Dial: +1.212.906.4690  
Mobile: +1.609.306.9835  
Email: gary.gengel@lw.com

-----Original Message-----

From: Fajardo, Juan [mailto:Fajardo.Juan@epa.gov]  
Sent: Tuesday, May 30, 2017 5:12 PM  
To: Gengel, Gary (NY)  
Subject: RE: Lower Passaic River Study Area

After 2.

-----Original Message-----

From: Gary.Gengel@lw.com [mailto:Gary.Gengel@lw.com]  
Sent: Tuesday, May 30, 2017 5:08 PM  
To: Fajardo, Juan <Fajardo.Juan@epa.gov>; DSchneider@bressler.com  
Subject: RE: Lower Passaic River Study Area

Juan -

Hope you had a wonderful holiday weekend!

Are you available between 11 and 2:30 tomorrow?

Thanks,

Gary

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From: Fajardo, Juan <Fajardo.Juan@epa.gov>  
Sent: Wednesday, May 17, 2017 5:36:12 PM  
To: David Schneider  
Cc: Gengel, Gary (NY)  
Subject: RE: Lower Passaic River Study Area

David,

I won't have anything new for you next week. Let's try to speak again in 2 weeks.

Juan

From: David Schneider [mailto:DSchneider@bressler.com]  
Sent: Wednesday, May 17, 2017 11:36 AM  
To: Fajardo, Juan <Fajardo.Juan@epa.gov>  
Cc: Gary.Gengel@lw.com  
Subject: RE: Lower Passaic River Study Area

Hi Juan,

Just confirming that I will call you at 2:00 p.m. today. Gary is not available at that time, so it will just be me.

Thanks,

Dave

David P. Schneider  
Principal  
BRESSLER, AMERY & ROSS, P.C.<<http://www.bressler.com/>>  
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From: David Schneider  
Sent: Tuesday, May 16, 2017 4:24 PM  
To: 'Fajardo, Juan' <Fajardo.Juan@epa.gov<<mailto:Fajardo.Juan@epa.gov>>>  
Cc: 'Gary.Gengel@lw.com' <Gary.Gengel@lw.com<<mailto:Gary.Gengel@lw.com>>>  
Subject: RE: Lower Passaic River Study Area

Juan,

2:00 p.m. tomorrow is fine.

We wanted to highlight the reasons why we think it important to have a meeting with EPA in the short

term to discuss the allocation approach for the lower 8 mile remedy outlined in EPA's March 30, 2017 letter. While it may be that EPA has tabled action on the "next steps" of that allocation process while it focuses on the Maxus bankruptcy and the early cash out settlements, the details that were provided in the March 30 letter have raised questions and concerns in the minds of both those who consider themselves as likely candidates for the allocation process that will lead to cash-out settlements and those more likely to be identified by EPA as implementing/funding parties. A good number of us think it important that we have the opportunity to understand the details of EPA's allocation plan and express our concerns before EPA gets too far along in developing the plan and certainly before EPA takes the step of designating parties as implementing/funding, cash-out eligible, etc.

Thanks,

Dave

David P. Schneider  
Principal  
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From: David Schneider  
Sent: Tuesday, May 16, 2017 3:04 PM  
To: 'Fajardo, Juan' <[Fajardo.Juan@epa.gov](mailto:Fajardo.Juan@epa.gov)<<mailto:Fajardo.Juan@epa.gov>>>  
Cc: Gary.Gengel@lw.com<<mailto:Gary.Gengel@lw.com>>  
Subject: RE: Lower Passaic River Study Area

Thanks, Juan. Tomorrow afternoon would work. Do you have a preferred time?

Dave

David P. Schneider  
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From: Fajardo, Juan [<mailto:Fajardo.Juan@epa.gov>]  
Sent: Monday, May 15, 2017 5:19 PM  
To: Gary.Gengel@lw.com<<mailto:Gary.Gengel@lw.com>>; David Schneider  
<[DSchneider@bressler.com](mailto:DSchneider@bressler.com)<<mailto:DSchneider@bressler.com>>>  
Subject: RE: Lower Passaic River Study Area

Tomorrow is not good. Wed afternoon works.

From: Gary.Gengel@lw.com<<mailto:Gary.Gengel@lw.com>> [<mailto:Gary.Gengel@lw.com>]  
Sent: Monday, May 15, 2017 2:49 PM

To: Fajardo, Juan <Fajardo.Juan@epa.gov<mailto:Fajardo.Juan@epa.gov>>;  
DSchneider@bressler.com<mailto:DSchneider@bressler.com>  
Subject: RE: Lower Passaic River Study Area

Juan -

Thanks. Are you available for a brief call tomorrow at 10:30?

Best,

Gary P. Gengel

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885 Third Avenue  
New York, NY 10022-4834  
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Email: gary.gengel@lw.com<mailto:gary.gengel@lw.com>

From: Fajardo, Juan [mailto:Fajardo.Juan@epa.gov]  
Sent: Monday, May 15, 2017 1:29 PM  
To: Gengel, Gary (NY); DSchneider@bressler.com<mailto:DSchneider@bressler.com>  
Subject: RE: Lower Passaic River Study Area

Gary,

We continue to focus on the Maxus bankruptcy and the early cash out settlements. I'll contact you as soon as I have a response to the request.

Juan

From: Gary.Gengel@lw.com<mailto:Gary.Gengel@lw.com> [mailto:Gary.Gengel@lw.com]  
Sent: Monday, May 15, 2017 1:21 PM  
To: DSchneider@bressler.com<mailto:DSchneider@bressler.com>; Fajardo, Juan  
<Fajardo.Juan@epa.gov<mailto:Fajardo.Juan@epa.gov>>  
Subject: RE: Lower Passaic River Study Area

Juan -

Any update on possible meeting dates?

Thanks,

Gary P. Gengel

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885 Third Avenue  
New York, NY 10022-4834  
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Email: gary.gengel@lw.com<mailto:gary.gengel@lw.com>

From: David Schneider [mailto:DSchneider@bressler.com]  
Sent: Wednesday, May 03, 2017 9:35 AM  
To: Fajardo.Juan@epa.gov<mailto:Fajardo.Juan@epa.gov>  
Cc: Gengel, Gary (NY)

Subject: Lower Passaic River Study Area

Hi Juan,

Following on our call yesterday regarding EPA's allocation plan for the lower 8 miles of the LPRSA, my contact information is set forth below. As a reminder, I represent BASF Corporation in this matter.

As discussed yesterday, feel free to reach out to either Gary or me once you've had the opportunity to discuss our request internally.

Thanks,

Dave

David P. Schneider  
Principal  
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